

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LUIS C. DELAHOZ

Plaintiff,

v.

C.A. No. 13-438M

CITIMORTGAGE, INC.;
MCM CAPITAL HOMEOWNERS
ADVANTAGE TRUST IX

Defendants.

**DEFENDANT CITIMORTGAGE, INC.'S MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12 (b) (1), (b) (6), and 12 (b) (7)**

Defendant CitiMortgage, Inc. ("CMI" or "Defendant"), hereby moves to dismiss the *Complaint* of Plaintiff Luis Delahoz pursuant to *Fed. R. Civ. P. 12 (b) (1)* for failure to plead subject matter jurisdiction, *Fed. R. Civ. P. 12 (b) (6)* for failure to comply with the mandatory notice provision of the underlying mortgage, and *Fed. R. Civ. P. 12 (b) (7)* for failure to join at least one indispensable party.

In support of this motion, CMI submits its accompanying *Memorandum of Law*.

CITIMORTGAGE, INC.

By its attorneys,

/s/ Joseph A. Farside, Jr.

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February 11, 2014

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 11th day of February, 2014, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Joseph A. Farside, Jr.